

REMARKS

This Amendment is in response to the Office Action dated December 7, 2007.

Claims 1-4, 7, and 11-18 are amended herein. New claims 19-24 are added herein.

Claims 1-24 are currently pending. Reconsideration of all pending claims is respectfully requested.

Applicant appreciates the opportunity provided by the Examiner and Supervisory Patent Examiner James A. Reagan for an in-person examiner interview with counsel conducted on February 13, 2008.

Amendments to the Drawings:

Applicant addresses the objections to the Drawings as noted above.

Amendments to the Specification:

Applicant amends the Specification as noted above to overcome Examiner's objection.

I. Claim Objections and Claim Rejections under 35 U.S.C. §112

A. Claim 17 is amended herein to properly reference independent claim 12.

B. Claims 1 and 12 and their respective dependent claims 2-11, 18 and 13-17 were previously rejected for various reasons under 35 U.S.C. §112, second paragraph.

Applicant herein amends claims 1, 3, 4, 7, 12, and 14 to overcome the stated rejections. Claims 2, 5, 6, 8-11, 13, 15-17 are dependent of claim 1 or 12. For the same reasons, withdrawal of the rejection for these claims is requested.

C. Claims 14-15 were also rejected previously under U.S.C. §112, second paragraph.

Applicant herein amends claims 14-15 to overcome this rejection and contends these current claims are definite.

Accordingly, Applicant contends these claims are allowable as amended herein and respectfully requests reconsideration.

II. Claim Rejections under 35 U.S.C. §101

Claims 12-18 were previously rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicant amends claims 12-18 to overcome this rejection as explained by the Examiner. Applicant contends these claims are directed to statutory subject matter as amended herein and respectfully requests reconsideration.

III. Claim Rejections under 35 U.S.C. §102

Claims 1, 5 and 12 were previously rejected under 35 U.S.C. §102(e) in view of Shinzaki (US 6,957,339 B2). Applicant amends independent claims 1 and 12 to overcome this rejection.

Shinzaki discloses a system that verifies a user of a portable device by comparing biometric feature data and that includes a time stamp verifying section that determines whether

“a difference between the time stamp and the current time falls within a predetermined range.” [col. 5, lines 3-10.] If the user is verified as the authorized user, an encryption section encodes the user’s PIN and date and time the comparison was performed. [col. 5, lines 12-21.] A management device then identifies the user by verifying the PIN and conducting a time comparison. [col. 7, lines 20-24.] Shinzaki, when identifying a user, may include a time comparison, user information, level of correlation between biometric feature data and a PIN number. [col. 10, lines 10-44.]

Shinzaki fails to disclose or suggest a delta of time parameter and at least one non-personal identification parameter such as a Common Gateway Interface (CGI) parameter to identify a user as recited in amended independent claim 1.

In addition, Shinzaki calculates the difference between the time stamp of when the initial time comparison was performed and a current time. [col 7, lines 20-24.] But unlike the accompanying user PIN, this difference in time calculation itself does not aide in identifying the customer. Rather the measured time is used to assess the likelihood or whether the PIN was intercepted during its transmission. [col. 7, lines 17-24.] “More precisely, if such a stolen PIN is used to access host computer 400, the difference between the verification date-and-time (timestamp) and the current time inevitably becomes great.” [col. 26, lines 13-16.]

Shinzaki fails to disclose or suggest a computer program for identifying a customer with customer identification data that is based upon both a delta of time parameter AND at least one personal or non-personal identification parameter as recited in amended independent claim 12.

Accordingly, Applicant contends that independent claims 1 and 12 and related dependent claim 5 are allowable.

IV. Claim Rejections under 35 U.S.C. §103

A. Claims 2-3, 6-10, 13-16 and 18 are rejected under 35 U.S.C. §103(a) based upon Shinzaki in view of Ronning et al. (US 7,165,051 B2).

Nothing in Ronning noted by the Examiner overcomes the deficiencies above with respect to Shinzaki itself when considered alone. Accordingly, these references are insufficient to support a rejection of these claims which depend from amended independent claims 1 and 12 under 35 U.S.C. §103(a) even if the both references were combined.

Accordingly, Applicant contends that related dependent claims 2-3, 6-10, 13-16 and 18 are allowable.

B. Claims 4 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shinzaki in view of Boesch et al. (US 6,092,053).

Nothing in Boesch noted by the Examiner overcomes the deficiencies above with respect to Shinzaki itself when considered alone. Accordingly, these references are insufficient to support a rejection of these claims which depend from amended independent claims 1 and 12 under 35 U.S.C. §103(a) even if the both references were combined.

Accordingly, Applicant contends that related dependent claims 4 and 17 are allowable.

C. Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shinzaki in view of Ronning, and further in view of Boesch.

As explained above, nothing in Ronning or Boesch overcomes the deficiencies noted above with respect to Shinzaki itself when considered alone. Accordingly, these references are insufficient to support a rejection of this claim which depends from amended independent claim 1 under 35 U.S.C. §103(a) even if these references were combined.

Accordingly, Applicant contends that related dependent claim 11 is allowable.

CONCLUSION

In light of the remarks set forth above, Applicant believes that the present application is in form for allowance, and such action is respectfully requested. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31718-701.201).

Respectfully submitted,

Date: March 7, 2008

By: 
U.P. Peter Eng, Reg. No. 39,666

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Client No. 021971